

CITY COUNCIL RESEARCH DIVISION

LEGISLATIVE SUMMARY

JEFFREY R. CLEMENTS
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Bill Type and Number: Ordinance 2015-661

Introducer/Sponsor(s): LUZ Committee

Date of Introduction: September 21, 2015

Committee(s) of Reference: LUZ

Date of Analysis: September 24, 2015

Type of Action: Second amendment to development agreement

Bill Summary: The bill amends the development agreement between the City and Dunn Village, LLC for the Rolling River Estates Mixed Use Development to extend the agreement for an additional 5 years and reserve concurrency capacity for the project, subject to a performance schedule and payment of an annual renewal fee.

Background Information: The City and Dunn Village, LLC entered into a 7-year development agreement in 2003 for construction of a mixed-use development on 174 acres on Dunn Avenue between US 1 and Braddock Road. In 2010 the developer requested and the City approved a first amendment to the development agreement to reduce the size of the project from 174 to 28.5 acres by removing the residential development component and to extend the term of the agreement by 5 years through September 25, 2015. The project has not commenced and the developer now requests a second 5-year extension through September 25, 2025. The bill approves the extension and the reservation of transportation concurrency subject to the developer paying an annual reservation renewal fee.

Policy Impact Area: Transportation concurrency reservation

Fiscal Impact: Undetermined; the annual reservation fee is equal to 4 times the application fee for a concurrency reservation certificate based upon the amount of commercial square footage remaining unbuilt each year.

Analyst: Clements

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Bill Type and Number: Ordinance 2015-662

Sponsor: Council President at the request of the Mayor:

Date of Introduction: September 21, 2015

Committee(s) of Reference: F; RCDPHS; JWW

Date of Analysis: September 25, 2015

Type of Action: Appropriation; CIP Amendment

Bill Summary: The ordinance appropriates \$146,281 from the Florida Boater Improvement Project Fund for the Lonnie Wurn Boat Ramp Repair and Replacement Project, as initiated by B.T. 15-101; the ordinance amends the 2016-2020 five-year Capital Improvement Program, approved by Ordinance 2015-505-E, to provide funding for the project entitled "Lonnie Wurn Fishing Finger Pier"; City oversight will be provided by the Parks, Recreation and Community Services Department.

Background Information: The pier at Lonnie Wurn Boat Ramp, located at 4131 Ferber Road in Council District 1, was constructed in 1997 and is failing in several places. The project that this ordinance funds involves the replacement of failing pilings and all deck boards and stringers at the wooden pier. The Florida Boating Improvement Program (FBIP) is a state financial assistance program that provides funding through competitive grants for boating access projects and boating-related activities on coastal and inland waters within the State. The program is administered by the Florida Fish and Wildlife Conservation Commission (FWC). The programs funds are derived from registration fees that boaters pay annually. Motorized boats had to register, just as autos have to register. Counties get a portion of these funds based on the number of motorized boats registered in the respective counties.

Policy Impact: Parks, Recreation and Community Services Department

Fiscal Impact: The ordinance appropriates \$146,281.00 in a grant from the State of Florida; not City match is required.

Analyst: Jackson

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Bill Type and Number: Ordinance 2015-663

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: September 21, 2015

Committee(s) of Reference: F, RCDPHS

Date of Analysis: September 24, 2015

Type of Action: Amendment of prior ordinance; carry-over authorization; designation of new oversight agency

Bill Summary: The bill amends Ordinance 2012-438-E to permit the carry-over of \$25,000 in funding from the Environmental Protection Board to the Jacksonville Zoo and Gardens for a “living shoreline” protection project for 2 additional years through September 2017. The Regulatory Compliance Department is designated as the City’s new oversight agency for the project.

Background Information: In 2012 the City appropriated \$25,000 from the Environmental Protection Board to Jacksonville Zoo and Gardens to support the construction of a “living shoreline” stabilization project. The project would demonstrate the feasibility of alternative shoreline protection methods to seawalls and other hard barriers, including the use of more natural breakwater structures and plant materials. The grant was to be paid in installments as the project progressed and as the Zoo obtained private matching funds. The matching funds were never realized and the project has been on hold. The Zoo wishes to continue pursuing funding to construct the project and requests extension of the appropriation for up to 2 additional years. The Regulatory Compliance Department is designated as the City’s oversight agency since the dissolution of the Neighborhoods Department, which was designated as the original oversight agency in 2012.

Policy Impact Area: Ecological demonstration project

Fiscal Impact: The bill would extend the appropriation of \$25,000 for an additional 2 years.

Analyst: Clements

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Bill Type and Number: Ordinance 2015-664

Sponsor: Council President at the request of the Mayor:

Date of Introduction: September 21, 2015

Committee(s) of Reference: TEU

Date of Analysis: September 25, 2015

Type of Action: R/W Closure

Bill Summary: The ordinance closes, abandons and/or disclaims a portion of Byrnes Road, a sixty foot wide unopened and unimproved right-of-way at its intersection with Anniston Road, as established in Beach Road Farms, Plat Book 20, page 24, of the public records of Duval County, dated July 29, 1947, in Council District 4, at the joint request of Constellations Studies Group, LLC and 1956 Anniston Road LLC, the adjacent property owners, subject to reservation unto the City of Jacksonville and JEA of an easement over the closed right-of-way for ingress and egress and for all utilities.

Background Information: The right-of-way is unopened and unimproved, but does contain subsurface and overhead JEA utilities. An "all Utilities Easement" will be reserved over the closed right-of-way in the name of the City of Jacksonville and JEA. There are no objections to this request from the State, municipal and utility agencies which may have interests in this right-of-way. The City has no need, present or future, for the right-of-way. The application is made jointly by Constellations Studies Group, LLC and 1956 Anniston Road LLC for the purpose of consolidating their adjacent properties. The applicants own the property on both sides of the proposed closure.

Policy Impact: Public Works/Real Estate

Fiscal Impact: The applicants have paid a \$1,688.00 closure application processing fee.

Analyst: Jackson

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Bill Type and Number: Ordinance 2015-0665

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: September 21, 2015

Committee(s) of Reference: F, TEU

Date of Analysis: September 18, 2015

Type of Action: Approving and authorizing a lease agreement

Bill Summary: This bill approves and authorizes the Mayor, or his designee, to execute and deliver a Lease Agreement between the City of Jacksonville and Fletcher Medical Supplies, Inc., for 7,500 square feet of space in the building at 641 West 4th Street, in Council District 8.

Background Information: The agreement will include a monthly rent of \$8.00 per square foot for a term of five (5) years, with options to renew the Lease for two (2) additional five (5) year periods, with a three percent (3%) annual increase starting with the first anniversary of the commencement date. The space will be utilized for a disabled child care facility. The Tenant will be responsible for several maintenance repairs, including but not limited to, replacing the building's roof, painting the building, repairing the HVAC system, and installing new flooring. The reasonable costs associated with repairs can be offset against the monthly base rent beginning at the commencement of the lease term and monthly until costs to Tenant have been reimbursed.

Policy Impact Area: Public Works Department

Fiscal Impact: Monthly rent \$8.00 per square footage (7,500) of space

Analyst: Mitchell

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Bill Type and Number: Resolution 2015-668

Sponsor: Council President at the request of the Mayor

Date of Introduction: September 21, 2015

Committee(s) of Reference: R

Date of Analysis: September 18, 2015

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Nicole Padgett as a member of the Planning Commission, replacing Nate Day as an At-Large representative, for a first full three-year term ending September 30, 2018.

Background Information: The Planning Commission is established pursuant to Chapter 30, Part 2, *Ordinance Code*, and charged to review proposed land use changes, text changes to the Comprehensive Plan, requests for exceptions, variances and waivers to the Zoning Code, appeals from written orders granting or denying an administrative deviation and written interpretations of the Zoning Code and final orders of the Cell Tower Review Committee and other matters related to land use and area planning which are referred to the Department or to the Commission pursuant to law; review and make recommendations to the Council on proposed changes to the Zoning Code, the Code of Subdivision Regulations and other land development regulations or amendments thereto, and with respect to all rezonings; review and make recommendations on plans and programs developed by the Planning Department; and serve as the local planning agency per 163.3174, F.S. and prepare the comprehensive plan.

Section 30.201(a), *Ordinance Code*, provides that the nine members of the Planning Commission shall be residents appointed by the Mayor and confirmed by the Council, including three at-large members.

Ms. Padgett is the Chief Administrative Officer with *Summit Contracting Group, Inc.* and resides in the Beacon Hills area within Council District #2.

Policy Impact Area: Planning Commission operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Merritt

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Bill Type and Number: Resolution 2015-669

Sponsor: Council President at the request of the Mayor

Date of Introduction: September 21, 2015

Committee(s) of Reference: R

Date of Analysis: September 17, 2015

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of R. Abel Harding as a member of the Planning Commission, replacing Robert McKinnon as the Planning District #1 representative, for a term ending September 30, 2017.

Background Information: The Planning Commission is established pursuant to Chapter 30, Part 2, *Ordinance Code*, and charged to review proposed land use changes, text changes to the Comprehensive Plan, requests for exceptions, variances and waivers to the Zoning Code, appeals from written orders granting or denying an administrative deviation and written interpretations of the Zoning Code and final orders of the Cell Tower Review Committee and other matters related to land use and area planning which are referred to the Department or to the Commission pursuant to law; review and make recommendations to the Council on proposed changes to the Zoning Code, the Code of Subdivision Regulations and other land development regulations or amendments thereto, and with respect to all rezonings; review and make recommendations on plans and programs developed by the Planning Department; and serve as the local planning agency per 163.3174, F.S. and prepare the comprehensive plan.

Section 30.201(a), *Ordinance Code*, provides that the nine members of the Planning Commission shall be residents appointed by the Mayor and confirmed by the Council, including one member residing in each City Planning District.

Mr. Harding is the North Florida Market President for *IBERIABANK*. He is a board member of the Cultural Council of Greater Jacksonville and has previously served on the Arlington District Municipal Code Enforcement Board and the Cultural Service Grant Committee. Mr. Harding resides in the Springfield area within City Council District #7 (Planning District #1).

NOTE: Pursuant to Section 30.201(a), *Ordinance Code*, "... appointments to fill vacancies for unexpired terms and initial appointments ... for less than three years shall not be deemed to be full terms." Because Mr. McKinnon's term is not expired, this bill may need to be amended to reflect that Mr. Harding is being appointed to an **unexpired term**, not a first term.

Policy Impact Area: Planning Commission operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Merritt

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Bill Type and Number: Resolution 2015-670

Sponsor: Council President at the request of the Mayor

Date of Introduction: September 21, 2015

Committee(s) of Reference: R

Date of Analysis: September 18, 2015

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Benjamin F. Davis as a member of the Planning Commission, replacing Lara Diettrich as the Planning District #5 representative, for an unexpired term ending September 30, 2016.

Background Information: The Planning Commission is established pursuant to Chapter 30, Part 2, *Ordinance Code*, and charged to review proposed land use changes, text changes to the Comprehensive Plan, requests for exceptions, variances and waivers to the Zoning Code, appeals from written orders granting or denying an administrative deviation and written interpretations of the Zoning Code and final orders of the Cell Tower Review Committee and other matters related to land use and area planning which are referred to the Department or to the Commission pursuant to law; review and make recommendations to the Council on proposed changes to the Zoning Code, the Code of Subdivision Regulations and other land development regulations or amendments thereto, and with respect to all rezonings; review and make recommendations on plans and programs developed by the Planning Department; and serve as the local planning agency per 163.3174, F.S. and prepare the comprehensive plan.

Section 30.201(a), *Ordinance Code*, provides that the nine members of the Planning Commission shall be residents appointed by the Mayor and confirmed by the Council, including one member residing in each City Planning District.

Mr. Davis is the owner of *Intuition Ale Works* and previously served on the Task Force on Consolidated Government. He resides in the Riverside area within City Council District #14 (Planning District #5).

Policy Impact Area: Planning Commission operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Merritt

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Bill Type and Number: Resolution 2015-671

Sponsor: Council President at the request of the Mayor

Date of Introduction: September 21, 2015

Committee(s) of Reference: R

Date of Analysis: September 18, 2015

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Donald Marshall Adkison as a member of the Planning Commission, replacing S. Lisa King as the Planning District #6 representative, for a term ending September 30, 2017.

Background Information: The Planning Commission is established pursuant to Chapter 30, Part 2, *Ordinance Code*, and charged to review proposed land use changes, text changes to the Comprehensive Plan, requests for exceptions, variances and waivers to the Zoning Code, appeals from written orders granting or denying an administrative deviation and written interpretations of the Zoning Code and final orders of the Cell Tower Review Committee and other matters related to land use and area planning which are referred to the Department or to the Commission pursuant to law; review and make recommendations to the Council on proposed changes to the Zoning Code, the Code of Subdivision Regulations and other land development regulations or amendments thereto, and with respect to all rezonings; review and make recommendations on plans and programs developed by the Planning Department; and serve as the local planning agency per 163.3174, F.S. and prepare the comprehensive plan.

Section 30.201(a), *Ordinance Code*, provides that the nine members of the Planning Commission shall be residents appointed by the Mayor and confirmed by the Council, including one member residing in each City Planning District.

Mr. Adkison received an associate's degree from Liberty University and is the CEO of *Adkison Towing and Bonfeld Investments* and owns *First Coast Road Rangers*. He resides in the Heckscher Drive area within City Council District #2 (Planning District #6).

NOTE: Pursuant to Section 30.201(a), *Ordinance Code*, "... appointments to fill vacancies for unexpired terms and initial appointments ... for less than three years shall not be deemed to be full terms." Because Ms. King's term is not expired, this bill may need to be amended to reflect that Mr. Adkison is being appointed to an **unexpired term**, not a first term.

Policy Impact Area: Planning Commission operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Merritt

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Bill Type and Number: Resolution 2015-672

Sponsor: Council President at the request of the Mayor

Date of Introduction: September 21, 2015

Committee(s) of Reference: R

Date of Analysis: September 18, 2015

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of John D. Baker, II as a member of the Jacksonville Port Authority (JPA), replacing Nancy Soderberg for an unexpired term ending September 30, 2017.

Background Information: The JPA is established pursuant to Article 5, *Jacksonville Charter*, and charged to operate, manage, and control the seaport and ancillary facilities located within Duval County. Four of the seven members of the board are appointed by the Mayor of the City of Jacksonville with the confirmation of the Council of the City of Jacksonville.

Mr. Baker received a law degree from the University of Florida and is the Executive Chairman of *FRP Holdings, Inc.* He served as Co-Chair of the Jacksonville Port Task Force. Mr. Baker resides in the Avondale area with Council District #14.

Policy Impact Area: Jacksonville Port Authority Board operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Merritt

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Bill Type and Number: Resolution 2015-673

Sponsor: Council President at the request of the Mayor

Date of Introduction: September 21, 2015

Committee(s) of Reference: R

Date of Analysis: September 18, 2015

Type of Action: Reappointment Confirmation

Bill Summary: This bill confirms the Mayor's reappointment of Dr. John Allen Newman, as a member of the Jacksonville Port Authority (JPA), for a second four-year term ending September 30, 2019.

Background Information: The JPA is established pursuant to Article 5, *Jacksonville Charter*, and charged to operate, manage, and control the seaport and ancillary facilities located within Duval County. Four of the seven members of the board are appointed by the Mayor of the City of Jacksonville with the confirmation of the Council of the City of Jacksonville.

Dr. Newman received a bachelor's degree in religion from Eastern College and is the Senior Pastor at *The Sanctuary @ Mt. Calvary*. He resides in Council District #3.

Policy Impact Area: Jacksonville Port Authority Board operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Merritt

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Bill Type and Number: Resolution 2015-674

Sponsor: Council President at the request of the Jacksonville Ethics Commission

Date of Introduction: September 21, 2015

Committee(s) of Reference: R

Date of Analysis: September 18, 2015

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Jacksonville Ethics Commission's appointment of Ywana M. Allen as a member of the Jacksonville Ethics Commission, replacing Rhonda Peoples-Waters, for a term beginning July 13, 2015, and ending December 31, 2016.

Background Information: The Jacksonville Ethics Commission is established pursuant to Chapter 602, Part 9, *Ordinance Code*, and empowered to review, interpret, render advisory opinions and enforce Chapter 602, *Ordinance Code*; and, in accordance with Section 1.202, *Jacksonville Charter*, to exercise the following powers and duties:

- Authorized to receive, and to investigate and issue findings with regard to complaints alleging an ethics violation;
- Provide assistance and input into the management and coordination of the training and education of local officers and employees in state and local ethics, including the City's Ethics Education Program, as well as all public records and sunshine law training throughout the government;
- May, upon employee or citizen complaint, or upon its own initiative, seek information and gather facts for the purpose of reviewing any circumstance or situation of which the Commission may become aware that appears to violate or may potentially violate an acceptable standard of ethics conduct for City officers and employees;
- Jurisdiction to levy those civil fines or penalties authorized in Chapter 602 for violations of the City's ethics code; and
- Act as the hiring committee, subject to Council confirmation, for the executive director of the Ethics Oversight and Compliance office.

Section 602.912, *Ordinance Code*, provides that three of the nine members of the commission shall be Duval County registered voters appointed by the commission and confirmed by Council.

Ms. Allen received masters' degrees in public administration and education and is the Director of Community Engagement with *Profectus Learning Systems*. She has previously served on the Ethics Commission. Ms. Allen resides in the Golden Glades/The Woods area within Council District #3.

NOTE: Pursuant to Section 602.912(a), *Ordinance Code*, two years of service during a term would be considered a full term for purposes of reappointment. Ms. Allen was initially appointed to this term, via 2014-26-A, and served a full year of the term before resigning and being temporarily replaced by Ms. Peoples-Waters. This legislation reappoints Ms. Allen to fulfill the remainder of the same term to which she was previously appointed and she will now serve an additional 17 months of that same term. Combined with the initial single year she already served, this additional appointment will provide for Ms. Allen to serve two years and seven months total of this single term. As a result, this bill may need to be amended to reflect that Ms. Allen is being appointed to a **first full term**, not a partial term.

Policy Impact Area: Jacksonville Ethics Commission operations

Fiscal Impact: Anticipated to be minimal

Analyst: Merritt

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Bill Type and Number: Resolution 2015-675

Sponsor: Council Member Becton

Date of Introduction: September 21, 2015

Committee(s) of Reference: R

Date of Analysis: September 18, 2015

Type of Action: Appointment

Bill Summary: This bill appoints Carol A. D'Onofrio to the Jacksonville-Duval County Council on Elder Affairs, as the representative for Council District #11, filling the seat formerly held by Gwen Robinson, for a first term ending June 30, 2017.

Background Information: The Jacksonville-Duval County Council on Elder Affairs is established pursuant to Chapter 82, *Ordinance Code*, and charged to serve as an advocate for the older persons in the city, to the governmental agencies responsible for the various plans and programs designed to help older persons; assist in the implementation of plans and programs selected by regional organizations, as they relate to the city and its citizens; designate priorities among programs developed in the city by public, nonprofit and private providers concerning older persons. Section 82.101, *Ordinance Code*, provides that fourteen of the members of the Council on Elder Affairs shall be appointed by the City Council, with one nominee from each of the District Council Members.

Ms. D'Onofrio is retired from the Navy Exchange Service (NEXCOM) and is active in her homeowner's association. She resides in the Deercreek area within Council District #11.

Policy Impact Area: Jacksonville-Duval County Council on Elder Affairs operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Merritt

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Bill Type and Number: Ordinance 2015-682

Introducer/Sponsor(s): Council Member Crescimbeni

Date of Introduction: September 8, 2015

Committee(s) of Reference: F, RCDPHS

Date of Analysis: September 10, 2015

Type of Action: Approval of amendment to golf course lease and management agreement

Bill Summary: The bill authorizes a third amendment to the Amended and Restated Golf Course Lease and Management Agreement between the City and Comstock Golf Management, Inc. for operation of the Blue Cypress Golf Course in order to delay by one year the date upon which Comstock Golf must begin paying the City a percentage of its gross revenues in addition to the monthly rental fee.

Background Information: Comstock Golf leased a portion of the site of the former Blue Cypress Golf Club on University Boulevard North when the City constructed a new park on the closed course and constructed a new 9-hole golf course on the site. The original lease term was for 20 years with two 10-year renewal options. Comstock has been struggling to make the golf course a going concern in recent years and the City has previously amended the lease to make the financial terms more achievable for the company. Comstock was unable to make its gross revenue percentage payments for 2012/13 and 2013/14 and Ordinance 2014-677 approved a Second Amendment releasing Comstock Golf from its obligation to pay the City 2% of its gross revenue (as defined) from operations from June 2012 through May 2013 and 3% of gross revenue from June 2013 through May 2014. That ordinance provided that Comstock was still obligated to pay the City 4% of gross revenue for operations from June 2014 through May 2015 and 5% on gross revenue from June 2015 through May 2016 and for each year thereafter through the completion of the lease term. This bill delays the requirement to make the 4% and 5% gross sales payments for one year to May 2016 and May 2017, respectively.

Policy Impact Area: Golf course lease agreement

Fiscal Impact: Comstock's gross revenues percentage payment due for FY12-13 was \$7,610.94, for FY13-14 was \$11,624.07 and for FY14-15 was \$14,250.88.

Analyst: Clements

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Bill Type and Number: Ordinance 2015-683

Introducer/Sponsor(s): Council Member Gulliford

Date of Introduction: September 21, 2015

Committee(s) of Reference: F, R

Date of Analysis: September 24, 2015

Type of Action: City Charter amendment

Bill Summary: The bill amends City Charter Article 22 – Jacksonville Police and Fire Pension Board of Trustees – to add a new Section 22.12 - Retirement for board employees – providing that employees of the PFPF are eligible to join the City’s General Employees Pension Plan or the General Employees Defined Contribution Plan and prohibiting the PFPF Board from creating any pension or other retirement plan or administering any pension or retirement plan other than the Police and Fire Pension Fund. The bill also amends City Charter Section 16.01 – Retirement and pension system authorized – to add a provision requiring employees of the PFPF to be members of the 1937 pension fund for City employees.

Background Information: The existence of the PFPF’s Senior Staff Voluntary Retirement Plan, created in 2000, became generally known to the City Council until 2012, at which time the General Counsel was requested to issue a legal opinion on the validity of that plan. The General Counsel ruled that the PFPF board does not have the authority to create a retirement plan for its employees. The PFPF’s private attorney advised the board to the contrary. This bill is introduced to clearly provide that employees of the PFPF board shall be members of the GEPP, with the option to choose either the defined benefit or the defined contribution plan.

Policy Impact Area: Pension plan membership

Fiscal Impact: Undetermined

Analyst: Clements